



UNITED STATES PATENT AND TRADEMARK OFFICE

60
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,701	12/30/2003	Peter Bressler	6579-149	9213
7590	05/18/2005			EXAMINER PAYER, HWEI SIU CHOU
Richard R Michaud The Michaud-Duffy Group LLP 306 Industrial Park Road Suite 206 Middletown, CT 06457			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 05/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.	Applicant(s)	
10/749,701	BRESSLER ET AL.	
Examiner	Art Unit	
Hwei-Siu C. Payer	3724	

10/22 Payer

Hwei-Siu Payer
Primary Examiner

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 06 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
 - b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) They raise the issue of new matter (see NOTE below);
 - (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5, 8-14 and 16-18.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The reciprocating mechanism of WO '374 is indeed a pump as claimed. Specifically, the reciprocating mechanism (i.e. a pump) of the '374 reference comprises all the claimed structure which includes a sleeve (20), a valve or stem (24) disposed in fluid communication with a reservoir (21) and translating along a length of the sleeve (20) in a first direction to provide a pressure stroke, and a spring (28) operably disposed at the sleeve (20) to bias the stem (24) in a second direction to provide a return stroke as required in Applicant's claims 5. Further, the pump of the '374 reference is also in fluid communication with one or both of the reservoir (21) and the conduit (44), and therein movement of one or more razor blades (5) actuates the pump, and the pump transfers shaving aid material from the reservoir (21) to one or more ports (45) as required in claim 1. Miyauchi's reciprocating mechanism is also a pump which comprises a sleeve (22), and a stem (24) translating along at least a portion of a length of the sleeve (22) in a first direction to provide a pressure stroke; a biasing mechanism including a spring (23) operably disposed at the sleeve (22) and operably disposed at the stem (24) to bias the stem (24) in a second direction to provide a return stroke; a conduit (27) and a valve (30) as claimed. The reciprocating mechanism of Resnick et al. also shows the claimed structure for a pump which includes a sleeve (38), a stem (41) and a spring (40) as claimed. The stem (41) is also considered as a valve that is in fluid communication with the reservoir (10) for opening and closing the flow of the fluid.

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. Other: _____

U.S. Patent and Trademark Office
PTOL-303 (Rev. 4-05)

Advisory Action Before the Filing of an Appeal Brief

Part of Paper No. 20050513